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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,946	03/11/2004	Vincent P. Walker	00216-656001 / Case 8126	8017
26161	7590	02/13/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			MICHALSKI, SEAN M	
			ART UNIT	PAPER NUMBER
			3725	
DATE MAILED: 02/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/799,946

**Applicant(s)**

WALKER ET AL.

**Examiner**

Sean M. Michalski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03/11/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-79 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-29, drawn to a razor cartridge, classified in class 30, subclass 50.
  - II. Claims 30-43, drawn to a razor cartridge, classified in class 30, subclass 50.
  - III. Claims 44-51, drawn to a razor cartridge with a second cutting region, classified in class 30, subclass 50.
  - IV. Claims 52-66, drawn to a razor cartridge with a second cutting region, classified in class 30, subclass 50.
  - V. Claims 67-71, drawn to a razor cartridge with a metallic sacrificial member, classified in class 30, subclass 50.
  - VI. Claims 72-76, drawn to a method of creating razor blade assembly, classified in class 76, subclass 1.
  - VII. Claims 77-79, drawn to a handle assembly, classified in class 30, subclass 329.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a razor having only one leg, wherein the other would have to have multiple legs.

3. Inventions I and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because I does not require "a trimming blade connected to the housing and having a cutting edge to define a second cutting region that is spaced from the first cutting region". The subcombination has separate utility such as having a different razor configuration, or use in an electric razor.

4. Inventions I and IV are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the

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particulars of the subcombination as claimed because I does not require "a plastic housing", or "a trimming assembly including a trimming blade having a cutting edge arranged on said housing to define a second cutting region that is spaced from said first cutting region; and a metallic sacrificial member in electrical contact with both the shaving blades and the trimming assembly, so as to form an anode-cathode cell in which the sacrificial member functions as a sacrificial anode that corrodes and the shaving blades and trimming blade function as a cathode that is protected from corrosion". The subcombination has separate utility such as having a different razor configuration, or use in an electric razor.

5. Inventions I and V are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because I does not require "a metal component arranged on said housing", or "a metallic sacrificial member in electrical contact with both the shaving blades and the metal component, so as to form an anode-cathode cell in which the sacrificial member functions as a sacrificial anode that corrodes and the shaving blades and metal component function as a cathode that is protected from corrosion". The subcombination has separate utility such as having a different razor configuration.

6. Inventions I and VI are related as method of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the method as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different method (MPEP § 806.05(f)). In the instant case the method as claimed could be used to make any number of razor configurations.

7. Inventions I and VII are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because I does not require "a handle" or a "shaving cartridge including connection structure connecting the cartridge to the handle". The subcombination has separate utility such as having a different razor configuration.

8. Inventions II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP §

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806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because II does not require “a trimming blade connected to the housing and having a cutting edge to define a second cutting region that is spaced from the first cutting region”. The subcombination has separate utility such as having a different razor configuration, or use in an electric razor.

9. Inventions II and IV are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because II does not require “a plastic housing” or “a trimming assembly including a trimming blade having a cutting edge arranged on said housing to define a second cutting region that is spaced from said first cutting region; and a metallic sacrificial member in electrical contact with both the shaving blades and the trimming assembly, so as to form an anode-cathode cell in which the sacrificial member functions as a sacrificial anode that corrodes and the shaving blades and trimming blade function as a cathode that is protected from corrosion”. The subcombination has separate utility such as having a different razor configuration, or use in an electric razor.

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10. Inventions II and V are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because II does not require “a metal component arranged on said housing”, or “a metallic sacrificial member in electrical contact with both the shaving blades and the metal component, so as to form an anode-cathode cell in which the sacrificial member functions as a sacrificial anode that corrodes and the shaving blades and metal component function as a cathode that is protected from corrosion”. The subcombination has separate utility such as having a different razor configuration, or use in an electric razor.

11. Inventions II and VI are related as method of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the method as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different method (MPEP § 806.05(f)). In the instant case the method as claimed could be used to make any number of razor configurations.

12. Inventions II and VII are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed



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does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because II does not require “a handle” or a “shaving cartridge including connection structure connecting the cartridge to the handle”. The subcombination has separate utility such as having a different razor configuration, or use in an electric razor or other hand tool.

13. Inventions III and IV are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because III does not require “a trimming assembly including a trimming blade having a cutting edge arranged on said housing to define a second cutting region that is spaced from said first cutting region; and a metallic sacrificial member in electrical contact with both the shaving blades and the trimming assembly, so as to form an anode-cathode cell in which the sacrificial member functions as a sacrificial anode that corrodes and the shaving blades and trimming blade function as a cathode that is protected from corrosion”. The subcombination has separate utility such as having a different razor configuration, or use in an electric razor.

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14. Inventions III and V are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because III does not require "a metal component arranged on said housing", or "a metallic sacrificial member in electrical contact with both the shaving blades and the metal component, so as to form an anode-cathode cell in which the sacrificial member functions as a sacrificial anode that corrodes and the shaving blades and metal component function as a cathode that is protected from corrosion". The subcombination has separate utility such as having a different razor configuration, or use in an electric razor.

15. Inventions III and VI are related as method of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the method as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different method (MPEP § 806.05(f)). In the instant case the method as claimed could be used to make any number of razor configurations.

16. Inventions III and VII are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed

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does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because III does not require “a handle” or a “shaving cartridge including connection structure connecting the cartridge to the handle”. The subcombination has separate utility such as having a different razor configuration, or use in an electric razor or other hand tool.

17. Inventions IV and V are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because IV does not require “a metal component arranged on said housing”. The subcombination has separate utility such as having a different razor configuration, or use in an electric razor.

18. Inventions IV and VI are related as method of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the method as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different method (MPEP §

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806.05(f)). In the instant case the method as claimed could be used to make any number of razor configurations.

19. Inventions IV and VII are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because IV does not require “a handle” or a “shaving cartridge including connection structure connecting the cartridge to the handle”. The subcombination has separate utility such as having a different razor configuration, or use in an electric razor or other hand tool.

20. Inventions V and VI are related as method of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the method as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different method (MPEP § 806.05(f)). In the instant case the method as claimed could be used to make any number of razor configurations.

21. Inventions V and VII are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed

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does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because V does not require “a handle” or a “shaving cartridge including connection structure connecting the cartridge to the handle”. The subcombination has separate utility such as having a different razor configuration, or use in an electric razor or other hand tool.

22. Inventions VI and VII are related as method of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the method as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different method (MPEP § 806.05(f)). In the instant case the method as claimed could be used to make any number of razor configurations.

23. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

See MPEP § 806.05(d).


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean M. Michalski whose telephone number is 571-272-6752. The examiner can normally be reached on M-F 8AM - 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smm



**DERRIS H. BANKS**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700